

**DISPOSITION:** On October 16, 1944, a plea of guilty having been entered, the defendant was fined \$50 on each count, a total fine of \$450 and costs.

**8020. Adulteration and misbranding of rice bran. U. S. v. Anthony B. O'Donnell (Pelican Rice Mill). Plea of guilty. Fine, \$6,000. (F. D. C. No. 12608. Sample Nos. 35475-F to 35477-F, incl.)**

**INFORMATION FILED:** November 9, 1944, Western District of Louisiana, against Anthony B. O'Donnell, trading as the Pelican Rice Mill, Mermentau, La.

**ALLEGED SHIPMENT:** Between the approximate dates of October 21 and 27, 1943, from the State of Louisiana into the State of Georgia.

**VIOLATIONS CHARGED:** Adulteration, Section 402 (b) (2), rice hulls and ground oyster shell had been substituted in whole or in part for "Rice Bran," which the product was represented to be.

Misbranding, Section 403 (a), the statements on the tags attached to sacks of the article, "Rice Bran" and "Guaranteed Analysis: Minimum per cent Crude Protein 12.00% Minimum per cent Crude Fat 12.00% Minimum per cent Nitrogen Free Extract 42.00% Maximum per cent Crude Fibre 12.00%," were false and misleading since the product did not consist solely of rice bran but consisted in large part of rice hulls and ground oyster shell, and since the article contained from 5.67 percent to 6.38 percent of crude protein, 3.72 percent to 5.50 percent of crude fat, 30.67 percent to 36.69 percent nitrogen free extract, and 24.33 percent to 30.16 percent crude fiber.

**DISPOSITION:** November 9, 1944. A plea of guilty having been entered, the defendant was fined \$1,000 on each of 6 counts, a total fine of \$6,000.

**8021. Misbranding of alfalfa meal. U. S. v. Bremco Mills. Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 12580. Sample No. 33137-F.)**

**INFORMATION FILED:** October 24, 1944, Northern District of Ohio, against the Bremco Mills, a partnership, New Bremen, Ohio.

**ALLEGED SHIPMENT:** On or about February 24, 1944, from the State of Ohio into the State of Maryland.

**LABEL, IN PART:** "Platte Valley Alfalfa Meal."

**VIOLATION CHARGED:** Misbranding, Section 403 (a), the statements in the labeling, "Protein not less than . . . 17.0% \* \* \* Fiber not more than . . . 24.0%," were false and misleading since the product contained protein in amounts varying from 15.27 percent to 15.36 percent and fiber in amounts varying from 30.39 percent to 30.81 percent.

**DISPOSITION:** November 22, 1944. A plea of guilty having been entered, the defendant was fined \$100 and costs.

**8022. Misbranding of alfalfa meal. U. S. v. Western Milling Co. (Tremaine Alfalfa Milling Co.). Plea of guilty. Fine, \$750. (F. D. C. No. 14252. Sample No. 27925-F.)**

**INFORMATION FILED:** January 24, 1945, District of Arizona, against the Western Milling Co., trading as the Tremaine Alfalfa Milling Co., Mesa, Ariz.

**ALLEGED SHIPMENT:** On or about January 13, 1944, from the State of Arizona into the State of Wisconsin.

**LABEL, IN PART:** "Westsun Brand Alfalfa Meal."

**VIOLATION CHARGED:** Misbranding, Section 403 (a), the statements, "Crude Protein, not less than 17.0 per cent \* \* \* Crude Fibre, not more than 27.0 per cent," borne on tags attached to the sacks containing the article, were false and misleading since the article contained crude protein in amounts ranging from 12.80 percent to 13.21 percent and crude fiber in amounts ranging from 30.36 percent to 30.63 percent.

**DISPOSITION:** February 12, 1945. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$750.

**8023. Misbranding of dog food. U. S. v. 224 Bags, 72 Bags, and 164 Bags of Dog Food. Default decree of condemnation and destruction. (F. D. C. No. 11845. Sample Nos. 49863-F, 49864-F.)**

**LIBEL FILED:** February 18, 1944, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about December 28, 1943, by the Park & Pollard Co., Inc., from Buffalo, N. Y.

**PRODUCT:** 224 5-pound bags and 72 2-pound bags of dog food (meal), and 164 2-pound bags of dog food (pellets), at Erie, Pa. The only meat constituent of the article was meat and bone scraps which were present to the

extent of less than 10 percent. The article contained 12 percent less than the 26 percent of protein declared.

**LABEL, IN PART:** "Meat Laden Munchy Dog Food (Meal)," or "Munchy Pelletts \* \* \* Munchy Dog Food." The ingredients were declared on the label as "Meat Scraps, Flaked Corn and Wheat Cereal, Dried Yeast, Dried Skim Milk, Soybean Meal Flakes, Ground Malt, Fish Meal, Kelp, Wheat Germ Oil, Calcium Carbonate, Bone Meal, Manganese Sulphate, Fortified Cod Liver Oil. \* \* \* Guaranteed Analysis Protein (at least) 26%."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the statements on the label, "Guaranteed Analysis Protein (at least) 26%," (5-pound bag) "Meat-Laden \* \* \* Makes 15 Lbs. of Meat-Laden \* \* \* Dog Food," or (2-pound bag) "Makes 6 Lbs. of Meat-Laden \* \* \* Dog Food," were false and misleading since the article contained less than 26 percent of protein and less than 10 percent of meat meal; and the statements on the label of the article, "Aids in Maintaining Good Health Growth A Full, Rich Coat Good Bone Formation Sound Teeth Sweet Breath Healthy Skin Resistance to Colds and Distemper \* \* \* Safeguards Against Rickets, Black Tongue & Other Diseases Due to Nutritional Deficiencies," were false and misleading since the articles would not accomplish the results suggested and implied; and, Section 403 (f), the list of ingredients of the article, required by law to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, and devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since the list of ingredients appeared on the back panel of the label.

The article was also alleged to be misbranded under the provisions of law applicable to drugs, as reported in the notices of judgment on drugs and devices, No. 1298.

**DISPOSITION:** April 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**8024. Misbranding of dog food. U. S. v. 165 Cases of Dog Food. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11160. Sample No. 50110-F.)**

**LABEL FILED:** November 24, 1943, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 23, 1943, from Buffalo, N. Y., by the Maritime Milling Co.

**PRODUCT:** 165 cases, each containing 10 5-pound bags, of dog food at Pittsburgh, Pa. Examination disclosed that the article consisted essentially of cereals and other material, including ground wheat, ground corn, ground oats, ground soya beans, and ground alfalfa; and that it contained small amounts of ground bone, charcoal, and meat tissues.

**LABEL, IN PART:** "Hunt Club Dog Food."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a) (1), the following statements on the label of the article, "Triple Value Makes 7½ Pounds Meat Abundant Food \* \* \* Hunt Club Dog Food Plenty of Meat (In Meal Form) Vitamin-Rich A Meal Food Fortified with Vitamins A, B<sub>1</sub>, Riboflavin, Niacin, D, E, F, and K," were false and misleading since such statements created the impression that the article was meat in meal form, fortified with vitamins, whereas the article consisted essentially of cereals and other vegetable products with only small quantities of meat and meat by-products; (2) the label statements, "Contains everything needed for Vibrant Health, Robust Vigor and a Luxurious Coat \* \* \* Owners Report These Results from Hunt Club feeding Vibrant Health Strong Bone Formation Sound Teeth Pleasant Breath A Thick, Glossy Coat Absence of Eczema and Other Skin Disorders. Freedom from \* \* \* other Nutritional Deficiency Diseases. Added resistance to Colds and Distemper," were false and misleading since use of the article would not accomplish the results and benefits suggested or implied; and (3) the label statements which represented and suggested and created the impression that the article consisted of 65 percent of protein meat meal with relatively small quantities of "Beef Liver Meal, Dried Skimmed Milk, Dried Cheese Whey, Dehydrated Cheese, Soybean Oil Meal, Processed Cereals from Corn, Wheat and Oats, Corn Germ Oil Meal, Alfalfa Leaf Meal, Wheat Bran, Dried Beet Pulp" were misleading since the article consisted essentially of cereals and other vegetable material, and contained only small quantities of meat and meat by-products.